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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/845,537	04/30/2001	Mark E. Molander	RSW920010012US1	3398

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Gerald R. Woods
IBM Corporation
T81/503
PO Box 12195
Research Triangle Park, NC 27709

EXAMINER

GOLINKOFF, JORDAN

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 03/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/845,537

Applicant(s)

MOLANDER, MARK E.

Examiner

Jordan S Golinkoff

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 8-17, and 20-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Bowden et al. ("Bowden," US# 5801703).

As per independent claim 1, Bowden teaches a method of providing secondary functions from a menu item graphical control, said method comprising: including a plurality of graphical components with the menu item graphical control, each of the graphical components corresponding to a different programmed function (column 3, lines 38-43); displaying the menu item graphical control with the included graphical components (*graphical components included in figure 4, element 308*); receiving a selection from a user corresponding to one of the graphical components (column 6, lines 53-62); and invoking the programmed function corresponding to the selected graphical component (column 6, lines 53-62). ^{to} ^{to}

As per claim 2, which is dependent on claim 1, Bowden teaches displaying a sub-menu of selectable programmed functions in response to the user selecting a sub-menu graphical component (column 5, lines 47-51).

As per claim 3, which is dependent on claim 1, Bowden teaches that at least one of the graphical components includes a graphical icon that is displayed on the menu item graphical control (column 6, lines 4-11, and figure 4, element 308).

As per claim 4, which is dependent on claim 1, Bowden teaches configuring the plurality of programmed functions using a configuration tool; modifying the menu item graphical control to include the graphical components corresponding to the configured programmed functions; and saving the configured plurality of programmed functions and the modified menu item graphical control (column 3, lines 44-54, *user can customize menu items and configuration is saved for the next time user accesses menu* and column 5, line 41, *i.e. – locking menu display*).

As per claim 5, which is dependent on claim 1, Bowden teaches configuring one or more secondary functions to include in a sub-menu; modifying the menu item graphical control to include a sub-menu graphical component corresponding to the sub-menu (column 3, lines 44-54); saving the secondary functions and the modified menu item (column 5, line 41, *i.e. – locking menu display*).

As per claim 8, which is dependent on claim 1, Bowden teaches that the programmed functions include one or more application functions corresponding to an application program and wherein the menu item graphical control corresponds to the application program (column 6, lines 4-11).

Claims 9-12 are similar in scope to claims 1-4, respectively, and are therefore rejected under similar rationale.

Claims 13-17 are similar in scope to claims 1-5, respectively, and are therefore rejected under similar rationale.

Claim 20 is similar in scope to claim 8, and is therefore rejected under similar rationale.

As per independent claim 21, Bowden teaches a method of providing secondary functions from a menu item graphical control, said method comprising: configuring one or more secondary

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functions to include in a sub-menu (column 3, lines 44-54); modifying the menu item graphical control to include a sub-menu graphical component corresponding to the sub-menu (column 3, lines 44-54), wherein the menu item graphical control further includes one or more graphical components corresponding to one or more programmed functions (column 6, lines 4-11); and displaying the sub-menu in response to a user selecting the sub-menu graphical component (column 5, lines 47-51).

Claims 23 and 25 are similar in scope to claim 21, and are therefore rejected under similar rationale.

As per independent claim 22, Bowden teaches a method of providing secondary functions from a menu item graphical control, said method comprising: configuring a plurality of programmed functions using a configuration tool (column 3, lines 44-54); identifying a plurality of graphical components for each of the programmed functions (column 3, lines 44-54); modifying the menu item graphical control to include the graphical components corresponding to the configured programmed functions (column 3, lines 44-54); displaying the menu item graphical control with the included graphical components (figure 4, element 308, *i.e.* – *graphical components*); receiving a selection from a user corresponding to one of the graphical components (column 6, lines 53-62); and invoking the programmed function corresponding to the selected graphical component (column 6, lines 53-62).

Claims 24 and 26 are similar in scope to claim 22, and are therefore rejected under similar rationale.

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6-7 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowden et al. ("Bowden," US# 5801703) and further in view of Hoeber et al. ("Hoeber," US005276795A).

As per claim 6, which is dependent on claim 1, the teachings of Bowden in regards to claim 1 have been discussed above. Bowden does not disclose receiving a default selection corresponding to a default area of the menu item graphical control; and invoking a default function in response to the default selection.

Hoeber teaches receiving a default selection corresponding to a default area of the menu item graphical control; and invoking a default function in response to the default selection (column 10, lines 24-37). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Bowden with a means to select and invoke a default menu item, as taught by Hoeber, with the motivation to avoid additional steps to choose commonly used menu items (column 10, lines 37-40).

As per claim 7, which is dependent on claim 1, the teachings of Bowden in regards to claim 1 have been discussed above. Bowden does not disclose that the programmed functions include one or more application programs.

Hoeber teaches that the programmed functions include one or more application programs (column 7, lines 10-14). It would have been obvious to one of ordinary skill in the art at the time

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the invention was made to modify the teachings of Bowden to include the display and activation of application programs, as taught by Hoeber, with the motivation to allow the user increased flexibility to activate a variety of functions from a menu.

Claims 18-19 are similar in scope to claims 6-7, respectively, and are therefore rejected under similar rationale.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Oran et al. (US005920316A) teach a menu to display and activate application programs.

Solimene et al. (US005828376A) teach a means to select default menu items and to customize menu displays using a configuration tool.

The article "Power On Updates Menu Customization Product" found in the Mac Observer online, discusses Action Menu Software, created by the Power On Software Company, and its use of multifunction menu items.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jordan S Golinkoff whose telephone number is 703-305-8771. The examiner can normally be reached on Monday through Thursday from 8:30 a.m. to 6:00 p.m. and alternate Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 703-308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jordan Golinkoff
Patent Examiner
March 2, 2004

Kristine Kincaid
KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100